THE SUPPRESSION OF IMMORAL TRAFFIC ACT, 1933.

ARRANGEMENT OF SECTIONS.

SECTIONS.

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MYSORE ACT No. VIII OF 1936.

THE SUPPRESSION OF IMMORAL TRAFFIC ACT, 1936.

(Received the assent of His Highness the Maharaja on the Fourteenth day of July 1936.)

An Act for the Suppression of Brothels and Immoral Traffic in the [1][State of Mysore except Bellary District.]

WHEREAS it is expedient to make provision for the suppression of brothels and immoral traffic in the [1][State of Mysore except Bellary District]; it is hereby enacted as follows :—

Short title.

1. (*a*) This Act may be called the Suppression of Immoral Traffic Act of 1936.

(*b*) The Government may from time to time, by notification in the official Gazette apply all or any of the provisions of this Act to the whole or any portion of the [1][State of Mysore except Bellary District] from such date as may be specified in the notification and may cancel or modify any such notification :

Provided that sections 6, 7 and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context—

'Brothel' means any house, room, or place, or any part thereof which the occupier or person in charge thereof habitually allows to be used by any other person for the purposes of prostitution.

'Prostitution' means promiscuous sexual intercourse for hire.

'Magistrate' means a Stipendiary Magistrate of the First Class.

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1. See the Mysore Adaptation of Laws Order, 1953.

'Prescribed' means prescribed by rules made under this Act.

Solicitation.

3. Whoever—

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency,

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.

Procuration.

4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees, or with both.

Importing woman or girl for prostitution.

5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.

Removal of minor girl from brothel.

6. Where a Magistrate has reason to believe from a report made to him by a police officer, or otherwise, that a girl apparently under the age of 18 years is living, or is carrying on or is being made to carry on the business of prostitution in a brothel, disorderly house or place of assignation, he may issue an order to a police officer not below the rank of an Inspector specially authorised in writing in this behalf by the Superintendent of Police, to enter into such brothel, disorderly house or place of assignation, and to remove therefrom such girl ; and thereupon such police officer shall have the power to enter

into such brothel, disorderly house or place of assignation, and shall be entitled to remove such girl forthwith from such brothel, disorderly house or place of assignation.

Commitment to suitable custody.

7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed, until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.

Intermediate custody of the girl removed from brothel, etc.

8. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate, cause her to be detained in a rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.

Guardianship while in custody.

9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person.

Detention for prostitution in brothel.

10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Punishment for keeping a brothel or allowing premises to be used as a brothel.

11. (1) Any person who keeps or manages or acts or assists in the management of, a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Any person who,

(*a*) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(*b*) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (*a*) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such premises, or any part thereof, as a brothel;

shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessee, tenant or occupier thereof has been convicted under clause (*a*) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation.

Arrest without warrant.

12. Any police officer (not below the rank of an Inspector) on complaint, and any police officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5 and 10 if the name and address of such person be unknown to such police officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address have been given.

Power to enter premises.

13. Notwithstanding anything contained in any other law for the time being in force, only a police officer authorized in this behalf by the District Superintendent of Police may, for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 or 10 has been or

is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 3, 4, 5 or 10 has been committed.

Offences triable by certain Magistrates only.

14. No court inferior to that of a Stipendiary Magistrate of the first class shall try offences under sections 3, 4, 5, 10 and 11.

Power to make rules.

15. The Government may make rules generally for carrying into effect the provisions of this Act and in particular :

(*a*) for the care, treatment, instruction and the maintenance of girls placed in a rescue home or homes or other suitable custody under section 7 ;

(*b*) for the detention of girls under the provisions of section 8.